

\*E-FILED - 12/20/12\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHEAL KEPNEY,

Defendant.

NO. CR-00-20139-RMW

ORDER DENYING MOTION PURSUANT  
TO 18 U.S.C. § 3582(c)(2)

On November 16, 2011 defendant Kepney filed a *prose* motion pursuant to 18 U.S.C. § 3582(c)(2) to reduce his sentence based upon Amendment 750 to the United States Sentencing Guidelines which lowered the offense level for convictions involving crack cocaine. The government filed its response contending that the motion should be denied. The Court has considered the papers filed and the respective positions of the parties. The defendants's motion is hereby denied.

The motion lacks merit because defendant was sentenced as a career offender making him ineligible for a reduction pursuant to Amendment 750.

DATED: December 20, 2012



RONALD M. WHYTE  
United States District Judge

1 Copy of Order E-Filed and Mailed on 12/20/12 to:

2 Michael Kepney  
3 Fed. Reg. No. 99590-011  
4 Federal Correctional Institution  
5 3600 Guard Road  
6 Lompoc, CA 93436-2705

7 *Defendant*

8 John Glang  
9 Assistant United States Attorney  
10 Office of the United States Attorney  
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12 San Jose, CA 95113

13 *Government Counsel*